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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,519	11/30/2001	Etienne Degand	4004-025-30	6858

7590 06/18/2004

Patent Prosecution Services  
Piper Marbury Rudnick & Wolfe  
1200 Nineteenth Street NW  
Washington, DC 20036-2412

EXAMINER
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JEFFERY, JOHN A

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/926,519	<b>Applicant(s)</b> DEGAND ET AL.	
	<b>Examiner</b> John A. Jeffery	<b>Art Unit</b> 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 and 11-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                            |                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/28/03</u> | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Reopening of Prosecution***

In view of the appeal brief filed on May 18, 2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Statutory Text in Previous Office Action***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Claim Rejections - 35 U.S.C. § 103(a)***

Claims 8 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB2186769 in view of EP401754. GB2186769 discloses an automotive glass plate comprising an electrically-heatable transparent solar control coating 32. See Page

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1, lines 63-99. The heatable coating constitutes a "solar control coating" in view of its ability to reflect solar heat as noted on Page 1, lines 63-64.

As best seen in Figs. 2-5, 9, and 15, slits 34 are provided that inherently form "data transmission windows" as claimed. As is well known in the art, any structure that is not completely electromagnetically shielded will allow electromagnetic energy to pass through the structure. Shielding typically involves covering, surrounding, or encompassing the area to be shielded with a shielding material -- typically metal.

But shielding must be complete to be effective. Any area that is unshielded -- however small -- will inevitably allow electromagnetic energy to leak through the shield and pass through the area. Therefore, because the slits 34 of GB2186769 are devoid of metallic material, the slits provide ample unshielded area to enable electromagnetic energy to pass unimpeded.

The claims differ from GB2186769 in calling for the glass plate to be a windscreen. Although GB2186769 does not expressly state the automotive glass plate is used as a windscreen, the reference states on P. 1, lines 7-9 that it is used as an automotive "window glass." This teaching, along with the trapezoidal shape of the glass shown in the figures that closely resembles a windscreen, strongly suggests the glass plate's use as a windscreen.

Nevertheless, using such heated glass plates using thin film electric heaters for either windscreens or rear windows is well known in the art. EP401754, for example, teaches providing an electrically-heated glass plate for use either as a windshield or a rear window. See col. 3, line 50 and col. 4, lines 3-4. The windscreen is heated by a

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thin-film resistor. Col. 3, lines 53-58. In view of EP401754, it would have been obvious to one of ordinary skill in the art to utilize the electrically-heated glass plate of GB2186769 as a windscreen so that ice and frost was melted therefrom, thus enabling clear vision through the windscreen.

Regarding claims 15 and 17, EP401754 also notes in col. 3, lines 53-58 the desirability of uniformly heating the glass. In view of EP401754, it would have been obvious to one of ordinary skill in the art to uniformly heat the glass in the previously described apparatus to provide deicing heat uniformly along the glass.

### ***Response to Arguments***

Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Jeffery whose telephone number is (703) 306-4601. The examiner can normally be reached on Monday - Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans, can be reached on (703) 305-5766. All faxes should be sent to the centralized fax number at (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



**JOHN A. JEFFERY**  
**PRIMARY EXAMINER**

**6/16/04**